UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,708	03/24/2000	Robert G. Arsenault	PD-980130	2593

			EXAMINER
20991	7590	02/24/2006	TRAN, HAI V

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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09/534,708</td><td>Applicant(s)
ARSENAULT ET AL.</td></tr>
<tr><td>Examiner
Hai Tran</td><td>Art Unit
2611</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

   4a) Of the above claim(s) *1-27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 02172006

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/14/2005 have been fully considered but they are

moot in view of new ground rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 28-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon

by US 2001/0056577A1 in view of Gordon et al. (US 6208335).

Claim 1, Gordon discloses a method of broadcasting TV content and program

guide data (Fig. 1 and 2), the TV content (video sources) divided into a plurality of

TV channels (i.e., FOX... page 6,sect. 0065), each TV channel constructed from at

least one content component (page 6, sect. 0065), the program guide data including

multiple channel objects (page 5, sect. 0050), each channel object (Fig. 1, el. 135;

Fig. 11-14, el. 610-1..8), associated with one of the TV channels (Fig. 11A-14; i.e.

CNN associates with channel 5), each channel object (TV program Icons, i.e. CNN),

including at least one channel definition (i.e., video PID) that identifies the channel

content components needed to construct the TV channel associated with that

channel object for display (page 16, sect. 0155-0156 and page18, section 0184),

wherein the method comprising:

Providing the TV content and the program guide data (Fig. 4);

Adding conditional logic to channel objects (page 9, sect.0088) that include

more than one channel definition, the conditional logic including one or more

conditional logic including conditions expressions (Gordon's arranging bitmap

information in different data blocks, is "a conditional logic expression" because

Gordon system refers to arranged bitmap information for identifying what types of

access allowed in using conditional logic expression, i.e. Boolean) that must be

evaluated by a receiver (the conditional access is evaluated by the receiver unique

terminal identification see page 7, sect. 0070) to identify a 1st channel definition or a

2nd channel definition, the 1st channel definition being associated wit a 1st video

component or a 1st audio component, and the 2nd channel definition being

associated with a 2nd video component or a 2nd audio component (the receiver with

its unique terminal identification (page 7, sect. 0070) identifies which channel

definition associates with corresponding channel object that is allow displaying on

the TV, i.e., PPV, VOD or subscription services like HBO, Showtimes, etc... see

page 8, sect. 0085-0087 and page 9, section 0088);

Combining the TV content and the program guide data into an output stream

(Fig. 4, el. 450); and broadcasting the output stream to a plurality of receivers (page

6, sect. 0062-page 7, sect. 0070).

Gordon does not specifically discloses that one or more rule could or should be included in a channel object, i.e., bitmaps.

Gordon '335 discloses that one or more rule is included in a channel object (graphical objects that are associated with applets, Col. 7, lines 40-65+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon to include associate rule/applet to an channel object, i.e., icon, as taught by Gordon'335 so to provide an improved interactive menu structure for an on screen program guide for use with an information distribution system (see col. 3, lines 5-28).

Claim 29, wherein one of the conditions contained in the conditional logic of a channel object is based on subscription data representing channels to which a user subscribes (page 8, sect. 0084-0088).

Claim 30, wherein one of the conditions contained in the conditional logic of a channel object is based on selection history data representing programs that a user has previously watched (page 9, sect 0098; page 15, sect 0144-0148; page 17, sect.0174).

Claim 31, wherein one of the conditions contained in the conditional logic of a channel object is based on receiver characteristics data representing a characteristic of the receivers (page 9, sect. 0091-92).

Claim 32, wherein the receiver characteristic data includes geographic location data representing a specific geographic location, and one of the conditions contained in the conditional logic of a channel object is based on the geographic location data (page 9, sect. 0098).

Claim 33, wherein the receiver characteristics data includes at least one identification code that uniquely identifies a receiver, and one of the conditions contained in the conditional logic of a channel object is based on the identification code (page 7, sect. 0070).

Claim 34, wherein the conditions contained in the conditional logic of a channel object is based on both the current time at the site of the receivers and subscription data representing channels to which users of the receivers subscribe (page 5, section 0057-059; page 8, sect. 0085 and page 10, sect 0102).

Claim 35, wherein one of the conditions contained in the conditional logic of a channel object associated with a pay per view television channel is based on the current time at the site of the receivers and pay per view purchase data representing pay per view programs that have been ordered by a user (page 5, section 0057-059; page 8, sect. 0087 and page 10, sect 0102).

Claim 36, Gordon discloses a method of receiving television content and

program guide data that is broadcast from a television broadcasting station (Fig. 2),

the TV content (video sources) divided into a plurality of TV channels (i.e., FOX...

page 6,sect. 0065), each TV channel constructed from at least one channel content

component (video encoder of Fig. 4; page 6, sect. 0065), the program guide data

including multiple channel objects (page 5, sect. 0050), each channel object (Fig. 1,

el. 135; Fig. 11-14, el. 610-1..8) associated with one of the TV channels (Fig. 11A-

14; i.e. CNN associates with channel 5), each channel object (TV program Icons, i.e.

CNN), including at least one channel definition (i.e., video PID) that identifies the

channel content components including a video component or an audio component

needed to construct the TV channel associated with that channel object for display

(page 16, sect. 0155-0156 and page18, section 0184), each channel object with

more than one channel definition including conditional logic (page 9, sect. 0088)

having one or more conditional logic expression (Gordon's arranging bitmap

information in different data blocks, is "a conditional logic expression" because

Gordon system refers to arranged bitmap information for identifying what types of

access allowed) including conditions that must be evaluated to identify an

appropriate channel definition (the conditional access is evaluated by the receiver

unique terminal identification see page 7, sect. 0070), the method comprising:

Receiving the TV content and the program guide data by a receiver station

that includes a receiver;

Storing the program guide data in a memory 276 (sect. 0092);

Receiving a tuning request that selects a TV channel (page 3, sect. 0036);

Responding to the tuning request by evaluating the conditions in the one or more conditional logic expressions (Gordon's arranging bitmap information in different data blocks, is "a conditional logic expression" because Gordon system refers to arranged bitmap information for identifying what types of access allowed) of the channel object associated with the selected TV channel and identifying a 1st channel definition or a 2nd channel definition for that TV channel (page 3, sect.0037-0040); the 1st channel definition being associated wit a 1st video component or a 1st audio component, and the 2nd channel definition being associated with a 2nd video component or a 2nd audio component (page 7, sect. 0073-page 8, sect 0077; sect. 0081-0087); and

Generating an output of the selected TV channel, the output including the channel content components identified by the 1st channel definition or the 2nd channel definition (page 5, sect-0056-page 6, sect. 0060 and page 7, sect.0075).

Gordon does not specifically discloses that one or more rule could or should be included in a channel object, i.e., bitmaps.

Gordon '335 discloses that one or more rule is included in a channel object (graphical objects that are associated with applets, Col. 7, lines 40-65+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon to include associate rule/applet to an channel object, i.e., icon, as taught by Gordon'335 so to provide an improved

interactive menu structure for an on screen program guide for use with an

information distribution system (see col. 3, lines 5-28).

Claim 37 apparatus claim is analyzed with respect to method claim 36.

Claims 38-40, Gordon further discloses wherein the 1st channel definition

comprises a channel definition defining channel content components associated with

a user who have purchased a program or an event, and wherein the 2nd channel

definition comprises a channel definition defining channel content components

associated with a user who have not purchased a program or an event (page 8,

sect. 0087-0088; page 9, sect. 0095-0098).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
02/17/2006

HAI TRAN
PRIMARY EXAMINER